

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS WS RICHEY.

Plaintiff,

V.

JOHN ALDANA *et al.*,

Defendants.

Case No. C05-5513 FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION
DISMISSING ACTION WITH
PREJUDICE

This civil rights action comes before the Court on the Report and Recommendation of the Magistrate Judge that Defendants' motion for summary judgment be granted and Plaintiff's action be dismissed, with prejudice. As noted by the by the Magistrate Judge, substantial authority establishes the constitutionality of the Defendants' actions and Plaintiff has not contradicted or responded to the motion

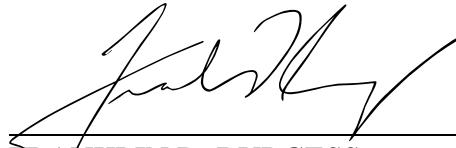
Defendant's objection to the Report and Recommendation is confined to an assertion that the Court lacks jurisdiction to entertain the motion for summary judgment and would amount to double-jeopardy. Plaintiff's objection is without merit.

The Court, having reviewed Defendants' motion for summary judgment, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objection to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

ORDER
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- 1 (1) The Court adopts the Report and Recommendation;
- 2 (2) Defendant's motion is **GRANTED** and the action **DISMISSED, WITH**
- 3 **PREJUDICE.**
- 4 (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants who
- 5 have appeared, and to the Hon. J. Kelley Arnold.

6 DATED this 27th day of February, 2007.

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12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
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